

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JIMMY THRASHER,

Petitioner,

Case No. 18-cv-11408  
Hon. Matthew F. Leitman

v.

ERICK BALCARCEL,

Respondent.

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**OPINION AND ORDER DISMISSING PETITION FOR  
WRIT OF HABEAS CORPUS AS MOOT AND  
DENYING CERTIFICATE OF APPEALABILITY**

Jimmy Thrasher filed a *pro se* habeas corpus petition challenging his second-degree murder conviction. After a notice the Court sent to Thrasher was returned as undeliverable with a notation that Thrasher is deceased, the Court ordered Respondent to determine and inform the Court whether Thrasher is deceased. (*See* ECF No. 12.) On September 20, 2021, Respondent filed a suggestion of death under Fed. R Civ. P. 25(a) and a Prisoner Death Report Form confirming Thrasher’s death. (*See* 13-1, PageID.291.)

A prisoner’s death during the pendency of his habeas petition renders the habeas action moot. *See Hailey v. Russell*, 394 U.S. 915, 915 (1969) (concluding that habeas petition rendered “moot[ ] by reason of [the] death of petitioner”); *Claiborne v. United States*, 551 U.S. 87 (2007) (per curiam opinion vacating circuit

court judgment as moot due to death of petitioner).

Accordingly, the Court DISMISSES as moot the petition for a writ of habeas corpus. The Court DENIES a certificate of appealability as jurists of reason could not debate the correctness of this ruling. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).

**IT IS SO ORDERED.**

/s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: September 22, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 22, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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